

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

D.F.,

Plaintiff,

v.

CORPORATION OF THE PRESIDENT OF
THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole,

Defendant.

NO.

NOTICE OF REMOVAL
(DIVERSITY JURISDICTION)

Defendant, Corporation of the President of The Church of Jesus Christ of Latter-day Saints ("COP"), removes this action from the Superior Court of Washington State in and for King County, to the United States District Court for the Western District of Washington, upon the following grounds:

1. COP is now the sole defendant in a civil action filed in the Superior Court of Washington in and for King County, styled *D.F. v. Corporation of The President of the Church of Jesus Christ of Latter-day Saints*, No. 06-2-18131-0 KNT (the "State Court Action"). Plaintiff commenced the State Court Action by filing a complaint on June 1, 2006, a copy of which is attached to this Notice. Plaintiff originally named a non-diverse defendant, The Church of Jesus

NOTICE OF REMOVAL- 1

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1 Christ of Latter-day Saints, an unincorporated ecclesiastical organization. On May 22, 2007, the
2 Superior Court dismissed the unincorporated Church, thus creating complete diversity.
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5 2. Pursuant to 28 U.S.C. § 1441(a), "any civil action brought in a State court of
6 which the district courts of the United States have original jurisdiction, may be removed by the
7 defendant or defendants, to the district court of the United States for the district and division
8 embracing the place where such action is pending."
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11 3. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332
12 based upon diversity of citizenship. Plaintiff is a resident of King County, Washington.
13 Defendant is a citizen of Utah, incorporated under the laws of Utah, with its principal place of
14 business in Utah.
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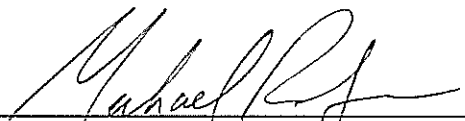
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17 4. In regard to CR 101(a), COP believes the matter in controversy exceeds \$75,000
18 because plaintiff has claimed general damages of \$3.5 million in an interrogatory response.
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21 5. For the Court's convenience, COP notes that plaintiff's allegation that defendant
22 negligently failed to prevent sexual abuse is closely related to the plaintiff's claim in *R.K. v.*
23 *Corporation of the President of The Church of Jesus Christ of Latter-day Saints*, 04-2338 RSM
24 (W.D. Wash.). *R.K. v. COP* was tried to a jury before Judge Ricardo S. Martinez in October
25 2006 and is now on appeal. Both cases involve sexual abuse by the same individual during the
26 1970s. Some legal issues presented by the current case are identical to those Judge Martinez
27 previously addressed in *R. K.*
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29 WHEREFORE, Corporation of the President of The Church of Jesus Christ of Latter-day
30 Saints hereby removes this action from the Superior Court of Washington State in and for King
31 County to the United States District Court for the Western District of Washington at Seattle.
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1 DATED this 24th day of May, 2007.

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3 **GORDON TILDEN THOMAS & CORDELL LLP**

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7 By 
8 Charles C. Gordon, WSBA #1773
9 Jeffrey I. Tilden, WSBA #12219
10 Michael Rosenberger, WSBA #31550
11 Attorneys for Defendant Corporation of the President
12 of The Church of Jesus Christ of Latter-day Saints
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